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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:)	Case No. 17-28485(JKS)
MITCH MIRBABA)	Chapter 13
KATHRYN MIRBABA)	Hearing Date: 12-14-17
)	<u>OBJECTION TO CONFIRMATION</u>

Ally Capital ("Ally"), a secured creditor of the Debtor,
objects to the Debtor's plan for the following reasons:

- a. **PLAN SILENT; DEBTOR INELIGIBLE FOR A DISCHARGE:** Ally holds a first purchase money security interest encumbering a 2013 CHEVROLET SUBURBAN owned by the debtors. The plan is silent as to Ally. The plan should be amended to state that Ally is unaffected by the plan. The debtors are not entitled to a discharge. The provisions of part 4(d)(2) of the plan regarding lien release must be stricken. Ally must retain its lien after confirmation and until it is paid in full in accordance with the terms of the retail installment contract encumbering the vehicle which exceeds the length of the plan.

b. **Proof of insurance:** The vehicle must be insured with comprehensive and collision insurance coverage and liability coverage in accordance with the requirements contained in the contract. Ally must be listed as loss payee or additional insured. **The Debtor must provide Ally with proof that the vehicle is insured in accordance with §1326(a)(4) and this portion of the objection to confirmation should be considered a demand that the Debtor provide proof of insurance.**

/s/ John R. Morton, Jr., Esq.
John R. Morton, Jr., Esq.
Attorney for Ally Capital

Date: 12-4-17